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Right of peoples to self-determination

Report of the Third Committee

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I. Introduction

1. At its 2nd plenary meeting, on 21 September 2012, the General Assembly, on the recommendation of the General Committee, decided to include in the agenda of its sixty-seventh session the item entitled "Right of peoples to self-determination" and to allocate it to the Third Committee.

2. The Third Committee held a general discussion on the item jointly with item 67, entitled "Elimination of racism, racial discrimination, xenophobia and related intolerance", at its 28th to 30th meetings, on 5 and 6 November 2012, and considered proposals and took action on item 68 at its 35th, 36th, 38th, 41st, 46th and 47th meetings, on 8, 13, 15, 20, 27 and 28 November. An account of the Committee's discussion is contained in the relevant summary records (A/C.3/67/SR.28-30, 35, 36, 38, 41, 46 and 47).

3. For its consideration of the item, the Committee had before it the report of the Secretary-General on the right of peoples to self-determination (A/67/276) and a note by the Secretary-General transmitting the report of the Working Group on the use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination (A/67/340).

4. At the 28th meeting, on 5 November, the representative of the Office of the United Nations High Commissioner for Human Rights made an introductory statement. The Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance also made an introductory statement and subsequently responded to questions and comments made by the representatives of the Russian Federation, Kenya, the European Union, Switzerland and Bangladesh (see A/C.3/67/SR.28).

5. At the same meeting, the Chair of the Working Group on the use of mercenaries as a means of impeding the exercise of the right of peoples to self-

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determination made an introductory statement and responded to questions and comments made by the representatives of Libya, Cuba, Switzerland and the Russian Federation (see A/C.3/67/SR.28).

6. Also at the same meeting, the Vice-Chair of the Committee on the Elimination of Racial Discrimination made an introductory statement and responded to questions and answers made by the representatives of the Islamic Republic of Iran and Slovenia (see A/C.3/67/SR.28).

II. Consideration of proposals

A. Draft resolution A/C.3/67/L.29

7. At the 35th meeting, on 8 November, the representative of Pakistan, on behalf of Albania, Algeria, Angola, Armenia, Azerbaijan, Bahrain, Bangladesh, Belarus, Benin, Bolivia (Plurinational State of), Brunei Darussalam, Burkina Faso, Burundi, Cameroon, the Central African Republic, China, the Comoros, the Congo, Côte d'Ivoire, Ecuador, Egypt, El Salvador, Eritrea, Gabon, Ghana, Grenada, Guinea, Guyana, Honduras, Iran (Islamic Republic of), Jordan, Kenya, Kuwait, Lebanon, Lesotho, Liberia, Libya, Madagascar, Malawi, Malaysia, Maldives, Mali, Mozambique, Namibia, Nicaragua, the Niger, Nigeria, Oman, Pakistan, Qatar, the Russian Federation, Rwanda, Saudi Arabia, Senegal, Sierra Leone, Singapore, Somalia, South Africa, the Sudan, Swaziland, Togo, the United Arab Emirates, Uganda, the United Republic of Tanzania, Venezuela (Bolivarian Republic of), Zambia and Zimbabwe, introduced a draft resolution entitled "Universal realization of the right of peoples to self-determination" (A/C.3/67/L.29).

8. At the 36th meeting, on 13 November, the representative of Pakistan made a statement (see A/C.3/67/SR.36). Subsequently, Antigua and Barbuda, Brazil, Jamaica, Seychelles, Tajikistan, Thailand, Tunisia and Viet Nam joined in sponsoring the draft resolution.

9. At the same meeting, the Committee adopted draft resolution A/C.3/67/L.29 (see para. 19, draft resolution I).

10. Before the adoption of the draft resolution, a statement was made by the representative of the United States. After the adoption of the draft resolution, the representatives of Spain, Argentina, Cyprus (on behalf of the European Union) and the United Kingdom of Great Britain and Northern Ireland made statements (see A/C.3/67/SR.36).

B. Draft resolution A/C.3/67/L.54

11. At the 38th meeting, on 15 November, the representative of Egypt, on behalf of Afghanistan, Albania, Algeria, Andorra, Angola, Antigua and Barbuda, Armenia, Austria, Azerbaijan, Bahrain, Bangladesh, Belgium, Benin, Bolivia (Plurinational State of), Bosnia and Herzegovina, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Burundi, Cape Verde, Chad, China, the Comoros, Costa Rica, Côte d'Ivoire, Cuba, Cyprus, the Democratic People's Republic of Korea, Denmark, Djibouti, Ecuador, Egypt, Eritrea, Estonia, Ethiopia, Finland, France, Gabon, the Gambia, Greece, Guinea, Guyana, Hungary, Iceland, India, Indonesia, Iraq, Ireland,

Italy, Jordan, Kenya, Kuwait, the Lao People's Democratic Republic, Lebanon, Lesotho, Libya, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malawi, Malaysia, Maldives, Mali, Malta, Mauritania, Monaco, Montenegro, Morocco, Myanmar, Namibia, New Zealand, Nicaragua, the Niger, Nigeria, Norway, Oman, Pakistan, Peru, Poland, Portugal, Qatar, the Republic of Moldova, Romania, the Russian Federation, Saint Vincent and the Grenadines, San Marino, Saudi Arabia, Senegal, Serbia, Slovakia, Slovenia, Somalia, South Africa, Spain, Sri Lanka, the Sudan, Suriname, Swaziland, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, Tunisia, Turkey, Uganda, the United Arab Emirates, the United Kingdom of Great Britain and Northern Ireland, Uzbekistan, Venezuela (Bolivarian Republic of), Viet Nam, Yemen, Zambia, Zimbabwe and Palestine, introduced a draft resolution entitled "The right of the Palestinian people to self-determination" (A/C.3/67/L.54).

12. At the 46th meeting, on 27 November, the representative of Egypt made a statement on behalf of the sponsors of the draft resolution A/C.3/67/L.54 (see A/C.3/67/SR.46). Subsequently, Barbados, Belize, Belarus, Chile, the Congo, Croatia, the Czech Republic, the Democratic Republic of the Congo, Germany, Ghana, Grenada, Guinea-Bissau, Kyrgyzstan, Latvia, Liberia, Mauritius, Mozambique, the Netherlands, Paraguay, Seychelles, Sierra Leone, Tajikistan, Timor-Leste, the United Republic of Tanzania and Ukraine joined in sponsoring the draft resolution.

13. Also at its 46th meeting, the Committee adopted draft resolution A/C.3/67/L.54 by a recorded vote of 173 to 6, with 3 abstentions (see para. 19, draft resolution II). The voting was as follows:

In favour:

Afghanistan, Albania, Algeria, Andorra, Angola, Antigua and Barbuda, Argentina, Armenia, Australia, Austria, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belgium, Belize, Benin, Bhutan, Bolivia (Plurinational State of), Bosnia and Herzegovina, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Burundi, Cambodia, Cape Verde, Chile, China, Colombia, Comoros, Congo, Costa Rica, Côte d'Ivoire, Croatia, Cuba, Cyprus, Czech Republic, Democratic Republic of the Congo, Denmark, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Eritrea, Estonia, Ethiopia, Fiji, Finland, France, Gabon, Gambia, Georgia, Germany, Ghana, Greece, Grenada, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Hungary, Iceland, India, Indonesia, Iran (Islamic Republic of), Iraq, Ireland, Italy, Japan, Jordan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Latvia, Lebanon, Lesotho, Liberia, Libya, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malawi, Malaysia, Maldives, Mali, Malta, Mauritania, Mauritius, Mexico, Monaco, Mongolia, Montenegro, Morocco, Mozambique, Myanmar, Namibia, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Rwanda, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Samoa, San Marino, Sao Tome and Principe, Saudi Arabia, Senegal, Serbia, Sierra Leone, Singapore, Slovakia, Slovenia, Solomon Islands, Somalia, South Africa, Spain, Sri Lanka, Sudan, Suriname, Swaziland, Sweden, Switzerland, Syrian Arab Republic, Tajikistan, Thailand, the former Yugoslav Republic of Macedonia,

Timor-Leste, Togo, Trinidad and Tobago, Tunisia, Turkey, Turkmenistan, Tuvalu, Uganda, Ukraine, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, Uruguay, Uzbekistan, Venezuela (Bolivarian Republic of), Viet Nam, Yemen, Zambia, Zimbabwe.

Against:

Canada, Israel, Marshall Islands, Micronesia (Federated States of), Nauru, United States of America.

Abstaining:

Cameroon, Honduras, South Sudan.

14. Before the vote, statements were made by the representatives of Israel, Argentina, Brazil, the United Kingdom and Egypt. After the vote, statements were made by the representatives of Argentina, Brazil, the United Kingdom and the observer for Palestine (see A/C.3/67/SR.46).

C. Draft resolution A/C.3/67/L.58

15. At the 41st meeting, on 20 November, the representative of Cuba, on behalf of Algeria, Benin, Bolivia (Plurinational State of), Brazil, Burundi, China, the Comoros, Côte d'Ivoire, Cuba, the Democratic People's Republic of Korea, the Dominican Republic, Ecuador, Egypt, Equatorial Guinea, Eritrea, Ethiopia, India, Iran (Islamic Republic of), the Lao People's Democratic Republic, Nicaragua, the Russian Federation, Saint Vincent and the Grenadines, Senegal, South Africa, South Sudan, Sri Lanka, Swaziland, the Syrian Arab Republic and Venezuela (Bolivarian Republic of), introduced a draft resolution entitled "Use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination" (A/C.3/67/L.58).

16. At the 47th meeting, on 28 November, the representative of Cuba made a statement (see A/C.3/67/SR.47).

17. At the same meeting, the Committee adopted draft resolution A/C.3/67/L.58 by a recorded vote of 122 to 52, with 5 abstentions (see para. 19, draft resolution III). The voting was as follows:

In favour:

Algeria, Angola, Antigua and Barbuda, Argentina, Armenia, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belize, Benin, Bhutan, Bolivia (Plurinational State of), Botswana, Brazil, Brunei Darussalam, Burkina Faso, Burundi, Cambodia, Cameroon, Cape Verde, Chile, China, Comoros, Congo, Costa Rica, Côte d'Ivoire, Cuba, Democratic People's Republic of Korea, Democratic Republic of the Congo, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Eritrea, Ethiopia, Gambia, Ghana, Grenada, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, India, Indonesia, Iran (Islamic Republic of), Iraq, Jamaica, Jordan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Lebanon, Lesotho, Libya, Madagascar, Malawi, Malaysia, Maldives, Mali, Mauritania, Mauritius, Mongolia, Morocco, Myanmar, Namibia, Nepal, Nicaragua, Nigeria, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Qatar, Russian Federation, Rwanda, Saint Kitts and Nevis, Saint

Lucia, Saint Vincent and the Grenadines, Samoa, Saudi Arabia, Senegal, Sierra Leone, Singapore, Solomon Islands, Somalia, South Africa, South Sudan, Sri Lanka, Sudan, Suriname, Swaziland, Syrian Arab Republic, Tajikistan, Thailand, Timor-Leste, Togo, Trinidad and Tobago, Tunisia, Turkmenistan, Tuvalu, Uganda, United Arab Emirates, United Republic of Tanzania, Uruguay, Uzbekistan, Vanuatu, Venezuela (Bolivarian Republic of), Viet Nam, Yemen, Zambia, Zimbabwe.

Against:

Albania, Andorra, Australia, Austria, Belgium, Bosnia and Herzegovina, Bulgaria, Canada, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Georgia, Germany, Greece, Hungary, Iceland, Ireland, Israel, Italy, Japan, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Marshall Islands, Micronesia (Federated States of), Monaco, Montenegro, Netherlands, New Zealand, Norway, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, San Marino, Serbia, Slovakia, Slovenia, Spain, Sweden, the former Yugoslav Republic of Macedonia, Turkey, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining:

Afghanistan, Colombia, Fiji, Mexico, Switzerland.

18. Also at the 47th meeting, a statement was made before the vote by the representative of Cyprus (on behalf of the European Union). After the vote, statements were made by the representatives of Argentina and the United Kingdom (see A/C.3/67/SR.47).

III. Recommendations of the Third Committee

19. The Third Committee recommends to the General Assembly the adoption of the following draft resolutions:

Draft resolution I
Universal realization of the right of peoples to self-determination

The General Assembly,

Reaffirming the importance, for the effective guarantee and observance of human rights, of the universal realization of the right of peoples to self-determination enshrined in the Charter of the United Nations and embodied in the International Covenants on Human Rights,[1] as well as in the Declaration on the Granting of Independence to Colonial Countries and Peoples contained in General Assembly resolution 1514 (XV) of 14 December 1960,

Welcoming the progressive exercise of the right to self-determination by peoples under colonial, foreign or alien occupation and their emergence into sovereign statehood and independence,

Deeply concerned at the continuation of acts or threats of foreign military intervention and occupation that are threatening to suppress, or have already suppressed, the right to self-determination of peoples and nations,

Expressing grave concern that, as a consequence of the persistence of such actions, millions of people have been and are being uprooted from their homes as refugees and displaced persons, and emphasizing the urgent need for concerted international action to alleviate their condition,

Recalling the relevant resolutions regarding the violation of the right of peoples to self-determination and other human rights as a result of foreign military intervention, aggression and occupation, adopted by the Commission on Human Rights at its sixty-first[2] and previous sessions,

Reaffirming its previous resolutions on the universal realization of the right of peoples to self-determination, including resolution 66/145 of 19 December 2011,

Reaffirming also its resolution 55/2 of 8 September 2000, containing the United Nations Millennium Declaration, and recalling its resolution 60/1 of 16 September 2005, containing the 2005 World Summit Outcome, which, inter alia, upheld the right to self-determination of peoples under colonial domination and foreign occupation,

Taking note of the report of the Secretary-General on the right of peoples to self-determination,[3]

1. *Reaffirms* that the universal realization of the right of all peoples, including those under colonial, foreign and alien domination, to self-determination

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[1] Resolution 2200 A (XXI), annex.

[2] See *Official Records of the Economic and Social Council, 2005, Supplement No. 3* and corrigenda (E/2005/23 and Corr.1 and 2), chap. II, sect. A.

[3] A/67/276.

is a fundamental condition for the effective guarantee and observance of human rights and for the preservation and promotion of such rights;

2. *Declares its firm opposition* to acts of foreign military intervention, aggression and occupation, since these have resulted in the suppression of the right of peoples to self-determination and other human rights in certain parts of the world;

3. *Calls upon* those States responsible to cease immediately their military intervention in and occupation of foreign countries and territories and all acts of repression, discrimination, exploitation and maltreatment, in particular the brutal and inhuman methods reportedly employed for the execution of those acts against the peoples concerned;

4. *Deplores* the plight of millions of refugees and displaced persons who have been uprooted as a result of the aforementioned acts, and reaffirms their right to return to their homes voluntarily in safety and with honour;

5. *Requests* the Human Rights Council to continue to give special attention to violations of human rights, especially the right to self-determination, resulting from foreign military intervention, aggression or occupation;

6. *Requests* the Secretary-General to report on the question to the General Assembly at its sixty-eighth session under the item entitled "Right of peoples to self-determination".

Draft resolution II
The right of the Palestinian people to self-determination

The General Assembly,

Aware that the development of friendly relations among nations, based on respect for the principle of equal rights and self-determination of peoples, is among the purposes and principles of the United Nations, as defined in the Charter,

Recalling, in this regard, its resolution 2625 (XXV) of 24 October 1970 entitled "Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations",

Bearing in mind the International Covenants on Human Rights,[1] the Universal Declaration of Human Rights,[2] the Declaration on the Granting of Independence to Colonial Countries and Peoples[3] and the Vienna Declaration and Programme of Action adopted at the World Conference on Human Rights on 25 June 1993,[4]

Recalling the Declaration on the Occasion of the Fiftieth Anniversary of the United Nations,[5]

Recalling also the United Nations Millennium Declaration,[6]

Recalling further the advisory opinion rendered on 9 July 2004 by the International Court of Justice on the *Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory*,[7] and noting in particular the reply of the Court, including on the right of peoples to self-determination, which is a right *erga omnes*,[8]

Recalling the conclusion of the Court, in its advisory opinion of 9 July 2004, that the construction of the wall by Israel, the occupying Power, in the Occupied Palestinian Territory, including East Jerusalem, along with measures previously taken, severely impedes the right of the Palestinian people to self-determination,[9]

Expressing the urgent need for the resumption and accelerated advancement of negotiations within the Middle East peace process, based on the relevant resolutions of the United Nations, the Madrid terms of reference, including the principle of land for peace, the Arab Peace Initiative[10] and the Quartet road map to a permanent two-

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[1] Resolution 2200 A (XXI), annex.

[2] Resolution 217 A (III).

[3] Resolution 1514 (XV).

[4] A/CONF.157/24 (Part I), chap. III.

[5] See resolution 50/6.

[6] Resolution 55/2.

[7] See A/ES-10/273 and Corr.1; see also *Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory, Advisory Opinion, I.C.J. Reports 2004*, p. 136.

[8] See A/ES-10/273 and Corr.1, advisory opinion, para. 88; see also *Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory, Advisory Opinion, I.C.J. Reports 2004*, p. 136.

[9] See A/ES-10/273 and Corr.1, advisory opinion, para. 122; see also *Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory, Advisory Opinion, I.C.J. Reports 2004*, p. 136.

[10] A/56/1026-S/2002/932, annex II, resolution 14/221.

State solution to the Israeli-Palestinian conflict,[11] and for the speedy achievement of a just, lasting and comprehensive peace settlement between the Palestinian and Israeli sides,

Stressing the need for respect for and preservation of the territorial unity, contiguity and integrity of all of the Occupied Palestinian Territory, including East Jerusalem, and recalling in this regard its resolution 58/292 of 6 May 2004,

Recalling its resolution 66/146 of 19 December 2011,

Affirming the right of all States in the region to live in peace within secure and internationally recognized borders,

1. *Reaffirms* the right of the Palestinian people to self-determination, including the right to their independent State of Palestine;

2. *Urges* all States and the specialized agencies and organizations of the United Nations system to continue to support and assist the Palestinian people in the early realization of their right to self-determination.

[11] S/2003/529, annex.

Draft resolution III
Use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination

The General Assembly,

Recalling all of its previous resolutions on the subject, including resolution 66/147 of 19 December 2011, and Human Rights Council resolutions 15/12 of 30 September 2010,[1] 15/26 of 1 October 2010,[2] 18/4 of 29 September 2011[3] and 21/8 of 27 September 2012,[4] as well as all resolutions adopted by the Commission on Human Rights in this regard,

Recalling also all of its relevant resolutions in which, inter alia, it condemned any State that permitted or tolerated the recruitment, financing, training, assembly, transit or use of mercenaries with the objective of overthrowing the Governments of States Members of the United Nations, especially those of developing countries, or of fighting against national liberation movements, and recalling further the relevant resolutions and international instruments adopted by the General Assembly, the Security Council, the Economic and Social Council and the Organization of African Unity, inter alia, the Organization of African Unity Convention for the elimination of mercenarism in Africa,[5] as well as by the African Union,

Reaffirming the purposes and principles enshrined in the Charter of the United Nations concerning the strict observance of the principles of sovereign equality, political independence, the territorial integrity of States, the self-determination of peoples, the non-use of force or of the threat of use of force in international relations and non-interference in affairs within the domestic jurisdiction of States,

Reaffirming also that, by virtue of the principle of self-determination, all peoples have the right freely to determine their political status and to pursue their economic, social and cultural development and that every State has the duty to respect this right in accordance with the provisions of the Charter,

Reaffirming further the Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations,[6]

Welcoming the establishment of the open-ended intergovernmental Working Group of the Human Rights Council with the mandate of considering the possibility of elaborating an international regulatory framework, including the option of elaborating a legally binding instrument on the regulation, monitoring and oversight of the activities of private military and security companies,

Recalling that regional consultations were held in all five regions from 2007 to 2011, in which participants noted that the enjoyment and exercise of human rights

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[1] See *Official Records of the General Assembly, Sixty-fifth Session, Supplement No. 53A* (A/65/53/Add.1), chap. II.

[2] Ibid., chap. I.

[3] Ibid., *Sixty-sixth Session, Supplement No. 53A* and corrigendum (A/66/53/Add.1 and Corr.1), chap. II.

[4] Ibid., *Sixty-seventh Session, Supplement No. 53A* (A/67/53/Add.1), chap. III.

[5] United Nations, *Treaty Series*, vol. 1490, No. 25573.

[6] Resolution 2625 (XXV), annex.

were increasingly impeded by the emergence of new challenges and trends relating to mercenaries or their activities and to the role played by private military and security companies registered, operating or recruiting personnel in each region, and expressing its appreciation to the Office of the United Nations High Commissioner for Human Rights for its support for the holding of the consultations,

Alarmed and concerned at the danger that the activities of mercenaries constitute to peace and security in developing countries, in particular in Africa and in small States,

Deeply concerned at the loss of life, the substantial damage to property and the negative effects on the policy and economies of affected countries resulting from criminal mercenary activities,

Extremely alarmed and concerned about recent mercenary activities in some developing countries in various parts of the world, including in areas of armed conflict, and the threat they pose to the integrity of and respect for the constitutional order of the affected countries,

Concerned at the alleged involvement of mercenaries, as well as employees of some private military and security companies with mercenary-related activities, in serious human rights violations, including summary executions, enforced disappearances, rape, torture, cruel, inhuman or degrading treatment, arbitrary arrests and detentions, arson, pillaging and looting,

Convinced that a comprehensive, legally binding international regulatory instrument is important for regulating private military and security companies and, in this regard, for taking measures to ensure their accountability for human rights violations and monitor their activities,

Convinced also that, notwithstanding the way in which they are used or the form that they take to acquire some semblance of legitimacy, mercenaries or mercenary-related activities are a threat to peace, security and the self-determination of peoples and an obstacle to the enjoyment of all human rights by peoples,

1. *Acknowledges with appreciation* the work and contributions of the Working Group on the use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination, including its research activities, and takes note with appreciation of its latest report;[7]

2. *Reaffirms* that the use of mercenaries and their recruitment, financing and training are causes for grave concern to all States and violate the purposes and principles enshrined in the Charter of the United Nations;

3. *Recognizes* that armed conflict, terrorism, arms trafficking and covert operations by third Powers, inter alia, encourage the demand for mercenaries on the global market;

4. *Urges once again* all States to take the steps necessary and to exercise the utmost vigilance against the menace posed by the activities of mercenaries and to take legislative measures to ensure that their territories and other territories under their control, as well as their nationals, are not used for the recruitment, assembly, financing, training, protection or transit of mercenaries for the planning of activities

[7] See A/67/340.

designed to impede the right of peoples to self-determination, to destabilize or overthrow the Government of any State or to dismember or impair, totally or in part, the territorial integrity or political unity of sovereign and independent States conducting themselves in compliance with the right of peoples to self-determination;

5. *Requests* all States to exercise the utmost vigilance against any kind of recruitment, training, hiring or financing of mercenaries by private companies offering international military consultancy and security services, as well as to impose a specific ban on such companies intervening in armed conflicts or actions to destabilize constitutional regimes;

6. *Encourages* States that import the military assistance, consultancy and security services provided by private companies to establish regulatory national mechanisms for the registering and licensing of those companies in order to ensure that imported services provided by those private companies neither impede the enjoyment of human rights nor violate human rights in the recipient country;

7. *Emphasizes its utmost concern* about the impact of the activities of private military and security companies on the enjoyment of human rights, in particular when operating in armed conflicts, and notes that private military and security companies and their personnel are rarely held accountable for violations of human rights;

8. *Calls upon* all States that have not yet done so to consider taking the action necessary to accede to or ratify the International Convention against the Recruitment, Use, Financing and Training of Mercenaries;[8]

9. *Welcomes* the cooperation extended by those countries that received a visit by the Working Group and the adoption by some States of national legislation that restricts the recruitment, assembly, financing, training and transit of mercenaries;

10. *Condemns* recent mercenary activities in developing countries in various parts of the world, in particular in areas of conflict, and the threat they pose to the integrity of and respect for the constitutional order of those countries and the exercise of the right of their peoples to self-determination, and stresses the importance for the Working Group of looking into sources and root causes, as well as the political motivations of mercenaries and for mercenary-related activities;

11. *Calls upon* States to investigate the possibility of mercenary involvement whenever and wherever criminal acts of a terrorist nature occur and to bring to trial those found responsible or to consider their extradition, if so requested, in accordance with domestic law and applicable bilateral or international treaties;

12. *Condemns* any form of impunity granted to perpetrators of mercenary activities and to those responsible for the use, recruitment, financing and training of mercenaries, and urges all States, in accordance with their obligations under international law, to bring them, without distinction, to justice;

13. *Calls upon* Member States, in accordance with their obligations under international law, to cooperate with and assist the judicial prosecution of those accused of mercenary activities in transparent, open and fair trials;

[8] United Nations, *Treaty Series*, vol. 2163, No. 37789.

14. *Welcomes* the holding of the second session of the open-ended intergovernmental Working Group to consider the possibility of elaborating an international regulatory framework on the regulation, monitoring and oversight of the activities of private military and security companies, and expresses satisfaction at the participation of experts, including the members of the Working Group on the use of mercenaries, as resource persons at the above-mentioned session;

15. *Requests* the Working Group on the use of mercenaries to continue the work already done by previous Special Rapporteurs on the strengthening of the international legal framework for the prevention and sanction of the recruitment, use, financing and training of mercenaries, taking into account the proposal for a new legal definition of a mercenary drafted by the Special Rapporteur on the use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination in his report to the Commission on Human Rights at its sixtieth session;[9]

16. *Requests* the Office of the United Nations High Commissioner for Human Rights, as a matter of priority, to publicize the adverse effects of the activities of mercenaries on the right of peoples to self-determination and, when requested and where necessary, to render advisory services to States that are affected by those activities;

17. *Recommends* that all Member States, including those confronted with the phenomenon of private military and security companies, as contracting States, States of operations, home States or States whose nationals are employed to work for a private military and security company, to contribute to the work of the open-ended intergovernmental Working Group, taking into account the initial work done by the Working Group on the use of mercenaries;

18. *Urges* all States to cooperate fully with the Working Group on the use of mercenaries in the fulfilment of its mandate;

19. *Requests* the Secretary-General and the United Nations High Commissioner for Human Rights to continue to provide the Working Group with all the assistance and support necessary for the fulfilment of its mandate, both professional and financial, including through the promotion of cooperation between the Working Group and other components of the United Nations system that deal with countering mercenary-related activities, in order to meet the demands of its current and future activities;

20. *Requests* the Working Group to consult States and intergovernmental and non-governmental organizations in the implementation of the present resolution and to report, with specific recommendations, to the General Assembly at its sixty-eighth session its findings on the use of mercenaries to undermine the enjoyment of all human rights and to impede the exercise of the right of peoples to self-determination;

21. *Decides* to consider at its sixty-eighth session the question of the use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination under the item entitled "Right of peoples to self-determination".

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[9] See E/CN.4/2004/15, para. 47.